

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ROBERT MARTINEZ,**

**Plaintiff,**

**v.**

**No. 14-cv-0016 SMV/KBM**

**CITY OF SANTA FE and  
ST. PAUL FIRE AND MARINE INSURANCE COMPANY,**

**Defendants.**

**ORDER TO RESPOND**

THIS MATTER is before the Court on Defendant St. Paul Fire and Marine Insurance Company's ("St. Paul") Notice of Removal [Doc. 1], filed on January 6, 2014. Defendant St. Paul removed this action based on diversity jurisdiction. *Id.* at 3. However, on the face of the Complaint, complete diversity is lacking because Plaintiff is a New Mexico resident and Defendant City of Santa Fe is a municipality incorporated under the laws of the state of New Mexico. [Doc. 1-2] at 1-13. Nevertheless, St. Paul argues that removal was proper because the City of Santa Fe was fraudulently joined. [Doc. 1] at 3-12. To date, Plaintiff has neither responded to this argument nor moved to remand to state court.

**IT IS THEREFORE ORDERED** that Plaintiff respond to St. Paul's fraudulent joinder argument within 14 days. St. Paul may reply within 14 days of the filing of Plaintiff's response.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**